

RESOLUTION NO. 2008-58

A RESOLUTION OF THE LODI CITY COUNCIL, STATE OF CALIFORNIA. DECLARING ITS INTENTION TO ANNEX TERRITORY INTO THE LODI CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1 AND TO PROVIDE FOR THE LEVY AND COLLECTION OF ASSESSMENTS IN SUCH ANNEXATION, SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON, AND ORDERING THE INITIATION OF ASSESSMENT BALLOT PROCEDURES

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WHEREAS, the Lodi City Council, pursuant to the terms of the Landscape and Lighting Act of 1972, Part 2, Division 75, of the California Streets and Highways Code (commencing with Section 22500) (the "1972 Act"), Article XIII D of the Constitution of the State of California ("Article XIII D"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIII D, and the Implementation Act are referred to collectively as the "Assessment Law"), did by previous Resolution initiate proceedings to annex territory into a special assessment district and ordered the preparation of an Engineer's Report for the levy of assessments within such proposed annexation, such special assessment district known and designated as "Lodi Consolidated Landscape Maintenance District No. 2003-1" (hereafter referred to as the "District"). The areas proposed to be annexed shall be known as the "Annexation" and will become Zones within the District. Such Zones shall be known and designated as:

ZONE 14 – LUCA PLACE  
ZONE 15 – GUILD AVENUE INDUSTRIAL  
ZONE 16 – WEST KETTLEMAN LANE COMMERCIAL

WHEREAS, at this time, the City Council desires to declare its intention to annex such territory into the District and to provide for the levy of assessments for the next ensuing fiscal year to provide for the costs and expenses necessary to pay for the maintenance of the improvements (defined below) in such Annexation; and

WHEREAS, there has been presented and preliminarily approved by this City Council the Engineer's Report, as required by the Assessment Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1: Recitals: The above recitals are all true and correct.

SECTION 2: Declaration of Intention: The public interest and convenience requires, and it is the intention of the City Council, to order the annexation of the above-described territory into the District and to levy and collect assessments to pay the annual costs and expenses for the maintenance and/or servicing of all of the improvements for the Annexation. Such improvements and the maintenance and servicing of such improvements are generally described as:

The improvements include: landscaping, planting, shrubbery, trees, turf, irrigation systems, lighting systems, street lighting, traffic signals, street sweeping, park maintenance, and associated appurtenant facilities.

The maintenance of the improvements shall include the furnishing of services and materials for all necessary service, operations, administration, and maintenance required to keep the improvements in a healthy, vigorous, and satisfactory condition.

**SECTION 3: Boundaries of District:** The improvements are of special benefit to the properties within the boundaries of the Annexation. The City Council previously declared the boundaries to encompass the area specially benefited by such improvements, and for particulars, reference is made to the assessment diagram as previously approved by the City Council, a copy of which is on file in the Office of the City Clerk and open for public inspection, and is designated by the name of this District.

**SECTION 4: Report of Assessment Engineer:** The Assessment Engineer's Report, as preliminarily approved by the City Council is on file with the City Clerk and open for public inspection. Reference is made to such Report for a full and detailed description of the improvements to be maintained, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Annexation.

**SECTION 5: Public Hearing:** Notice is hereby given that a Public Hearing is hereby scheduled to be held at 305 West Pine Street, Lodi, California, on May 7, 2008, at 7:00 p.m.

All interested persons shall be afforded the opportunity to hear and be heard. The City Council shall consider all oral statements and all written communications made or filed by any interested persons. The City Council shall, at the conclusion of the Public Hearing, also determine whether assessment ballots submitted pursuant to the Assessment Law in opposition to the proposed assessments within the district exceed assessment ballots submitted in favor of such proposed assessments.

#### RIGHT TO SUBMIT ASSESSMENT BALLOT

Pursuant to the provisions of the Assessment Law, each record owner of property proposed to be assessed has the right to submit an assessment ballot in favor of or in opposition to the proposed assessment.

Assessment ballots will be mailed to the record owner of each parcel located within the Annexation and subject to a proposed assessment. Each such owner may complete such assessment ballot and thereby indicate their support for or opposition to the proposed assessment. All such assessment ballots may be delivered by mail or personal delivery to the City Clerk at the following address at or before 5:00 p.m. on May 7, 2008:

City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, California 95240

After 5:00 p.m. on May 7, 2008, assessment ballots may be delivered to the City Clerk only at the location of the Public Hearing given above (305 West Pine Street, Lodi, California).

All assessment ballots must be received by the City Clerk prior to the time that the Public Hearing is **closed**. An assessment ballot, which is delivered by mail with a postmark that is prior to the date and time of the Public Hearing but is not received by the City Clerk until after the Public Hearing is closed, will not be counted.

At the conclusion of the Public Hearing, the City Council shall cause the assessment ballots timely received to be tabulated. If a majority protest exists, the City Council shall not impose an assessment within the Annexation. A majority protest exists if, upon the conclusion of the Public Hearing, assessment ballots submitted in opposition to the assessments within the Annexation exceed the assessment ballots submitted in favor of such assessments. In tabulating the assessment ballots, the assessment ballots shall be weighted according to the proportional financial obligation of the affected property.

SECTION 6: Notice: The City Clerk is hereby directed to mail notice pursuant to the Assessment Law of the Public Hearing and assessment ballot proceedings and the adoption of the Resolution of Intention and of the filing of the Assessment Engineer's Report, together with the assessment ballot materials, to the record owners of all real property proposed to be assessed.

SECTION 7: Proceedings Inquiries: The following staff person is designated to respond to all inquiries for any and all information relating to the proposed Annexation and these proceedings, including the assessment ballot procedure:

RICK CLARK  
NBS  
32605 TEMECULA PARKWAY, SUITE 100  
TEMECULA, CA 92592  
TELEPHONE: 800-676-7516

Dated: April 2, 2008

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I hereby certify that Resolution No. 2008-58 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 2, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Katzakian, and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
JENNIFER M. PERRIN  
Deputy City Clerk

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